



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,521	12/08/2003	Brian Frost	6600-0012-2	2985

39207 7590 05/02/2006

SACCO & ASSOCIATES, PA
P.O. BOX 30999
PALM BEACH GARDENS, FL 33420-0999

EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,521	Applicant(s) FROST ET AL.	
	Examiner Vishu K. Mendiratta	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/15/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by the Novomatic press release (Publication Jan.1999) and the Grandes Casino De Espana article (Publication AGI).

The Novomatic press release (Publication Jan 1999) and the Grandes Casino De Espana article (Publication AGI) disclose:

Regarding Claim 1:

A gaming table, comprising: (The press release and article recite that the demonstration of TouchBet™ Roulette at the January 1999 ICE show in London “had been linked with a standard TCS roulette table”-Paragraph 4).

- a least one outcome determining device.....: The press release and article recite “The game at the live table is conducted by the dealer just as usual and is no way affected by the terminals” (Paragraph 1); and the press release and article further recite “the demonstration of TouchBet™ Roulette at the January 1999 ICE show in London “had been linked with a standard TCS roulette table”-(Paragraph 4);
- a plurality of player terminals.....: The press release and article recite that “A unique development worldwide, TouchBet™ Roulette allows for the connection of up to 250 touch screen terminals, so-called ‘electronic live game roulette play stations’. Players can play all common roulette games such as American Roulette and French Roulette, at their own video link terminal.” (Paragraph 1); and the press release and article go on to recite “The fully automated cash handling avoids potential

error sources such as payout errors, thus enhancing player convenience and facilitating payout procedures for the casino.” (Paragraph 3); and

- at least one processor....: At the time of the invention those skilled in the art of electronic gaming devices possessed the knowledge that processors were used in many types of electronic gaming devices, including slot machines and video poker machines and that the processors were used to determine winning wagers and credit winning proceeds accordingly. Consequently, the processor element is inherent in the Novomatic press release (Publication Jan 1999) and the Grandes Casino De Espana article (Publication AGI).

Regarding Claim 4:

- said at least one outcome determining device....: The press release and article recite “The game at the live table is conducted by the dealer just as usual and is no way affected by the terminals” (Paragraph 1); and the press release and article further recite “the demonstration of TouchBet™ Roulette at the January 1999 ICE show in London “had been linked with a standard TCS roulette table”-(Paragraph 4).

Regarding Claim 5:

A method for operating a gaming, comprising: (The press release and article recite “The game at the live table is conducted by the dealer just as usual and is no way affected by the terminals” (Paragraph 1); and the press release and article further recite “the demonstration of TouchBet™ Roulette at the January 1999 ICE show in London “had been linked with a standard TCS roulette table”-Paragraph 4).

- receiving at the player terminals.....: The press release and article recite that “A unique development worldwide, TouchBet™ Roulette allows for the connection of up to 250 touch screen terminals, so-called ‘electronic live game roulette play stations’. Players can play all common roulette games such as American Roulette and French Roulette, at their own video link terminal.” (Paragraph 1); and the press release and article go on to recite “The fully automated cash handling avoids potential error sources such as payout errors, thus enhancing player convenience and facilitating payout procedures for the casino.” (Paragraph 3).
- determining a random outcome.....: The press release and article recite “The game at the live table is conducted by the dealer just as usual and is no way affected by the terminals” (Paragraph 1); and the press release and article further recite “the demonstration of TouchBet™ Roulette at the January 1999 ICE show in London “had been linked with a standard TCS roulette table”-(Paragraph 4);
- comparing automatically.....: The press release and articles recite “The fully automated cash handling avoids potential error sources such as payout errors, thus enhancing player convenience and facilitating payout procedures for the casino.” (Paragraph 3); and,
- determining winning.....: The press release and article recite “The fully automated cash handling avoids potential error sources such as payout errors, thus enhancing player convenience and facilitating payout procedures for the casino.” (Paragraph 3).

Art Unit: 3711

2. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by the Novomatic brochure entitled "Live Game Configuration" (Publication). The Novomatic brochure entitled "Live Game Configuration" (Publication) discloses:

Regarding Claim 1:

A gaming table, comprising: (The brochure's heading recites "Up To 250 Players at One Live Roulette Table.").

- At least one outcome determining device....: The brochure recites "Casinos can now increase the value of their live-game roulette pit by utilizing the Linked Terminal Roulette System (LTRS)..."(Paragraph 1); the brochure further recites "The live game LTRS configuration utilizes touch screen roulette betting terminals, a live game roulette table with croupier and two cameras." (Paragraph 3); and the brochure further recites "The Linked Terminal Roulette System (LTRS) provides a significant additional revenue stream for a live roulette table at minimal extra labor cost." (Paragraph 5); The brochure graphics illustrate a live dealer at a standard roulette table.);
- a plurality of player terminals: The brochure recites "The live game LTRS configuration utilizes touch screen roulette betting terminals, a live game roulette table with croupier and two cameras." (Paragraph 3); and the brochure further recites "Players view these large screen displays while wagering on the touch screen roulette terminals which simulate the betting area of a live game roulette table. The roulette terminals accept all forms of cash and coin-handling and operate fully automatic - safe, secure and reliable." (Paragraph 4)); and

Art Unit: 3711

- at least one processor for: At the time of the invention disclosed in Frost et al. '866 Patent, those skilled in the art of electronic gaming devices possessed the knowledge that processors were used in many types of electronic gaming devices, including slot machines and video poker machines and that the processors were used to determine winning wagers and credit winning proceeds accordingly. Consequently, the processor element is inherent in the disclosure of the Novomatic brochure entitled "Live Game Configuration" (Publication 6)).

Regarding Claim 4:

- wherein said at least one outcome determining device.....: The brochure recites "The live game LTRS configuration utilizes touch screen roulette betting terminals, a live game roulette table with croupier and two cameras." (Paragraph 3).

Regarding Claim 5:

A method for operating a gaming table, comprising: (The brochure's heading recites "Up To 250 Players at One Live Roulette Table.").

- receiving at a plurality of player terminals.....: The brochure recites "The live game LTRS configuration utilizes touch screen roulette betting terminals, a live game roulette table with croupier and two cameras." (Paragraph 3); and the brochure further recites "Players view these large screen displays while wagering on the touch screen roulette terminals which simulate the betting area of a live game roulette table. The roulette terminals accept all forms of cash and coin-handling and operate fully automatic - safe, secure and reliable." (Paragraph 4).

- determining a random outcome: The brochure recites “Casinos can now increase the value of their live-game roulette pit by utilizing the Linked Terminal Roulette System (LTRS)...”(Paragraph 1); the brochure further recites “The live game LTRS configuration utilizes touch screen roulette betting terminals, a live game roulette table with croupier and two cameras.” (Paragraph 3); and the brochure further recites “The Linked Terminal Roulette System (LTRS) provides a significant additional revenue stream for a live roulette table at minimal extra labor cost.” (Paragraph 5); The brochure graphics illustrate a live dealer at a standard roulette table.));
- comparing automatically said random outcome.....: The press release and article recite “The fully automated cash handling avoids potential error sources such as payout errors, thus enhancing player convenience and facilitating payout procedures for the casino.” (The brochure recites “The live game LTRS configuration utilizes touch screen roulette betting terminals, a live game roulette table with croupier and two cameras.” (Paragraph 3); and the brochure further recites “Players view these large screen displays while wagering on the touch screen roulette terminals which simulate the betting area of a live game roulette table. The roulette terminals accept all forms of cash and coin-handling and operate fully automatic - safe, secure and reliable.” (Paragraph 4); and,
- determining winning.....: The brochure recites “The live game LTRS configuration utilizes touch screen roulette betting terminals, a live game roulette table with croupier and two cameras.” (Paragraph 3); and the brochure further recites “Players

view these large screen displays while wagering on the touch screen roulette terminals which simulate the betting area of a live game roulette table. The roulette terminals accept all forms of cash and coin-handling and operate fully automatic - safe, secure and reliable.” (Paragraph 4)).

Claim Rejections - 35 USC § 103

3. Claims 1 and 4-5,9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi (U.S. 5,770,533) in view of Casino World (Publication), Novomatic press release (Publication), Novomatic press release (Publication), InterGame magazine article (Publication), Grandes Casino De Espana article (Publication), or Novomatic brochure entitled “Live Game Configuration” (Publication).

Franchi discloses an automated roulette game whereby players are able to place electronic roulette wagers on player terminals which facilitate electronic resolution of the electronically placed wagers. Franchi additionally discloses:

Regarding Claim 1:

A gaming table, comprising:

- An outcome determining device....: a manual roulette wheel for determination of a random outcome for a roulette game responsive to at least one direct physical interaction of a person with said roulette wheel selected from the group consisting of manually spinning said roulette wheel and manually dispensing a roulette ball (Column 13, line 1-Column 16, line 54 and Figures 12, 13, and 15);
- a plurality of player terminals at said table.....: each terminal including a player user interface to permit a player to select at least one outcome of the roulette game

Art Unit: 3711

occurring at said roulette table and to make wagers on said at least one outcome (Column 13, line 1-Column 16, line 54); and

- at least one processor for comparing said wagers to said random outcome for determining winning ones of said wagers, and for crediting winning proceeds directly to said player terminals (Column 4, lines 62-65).

Regarding Claim 5:

A method for operating a roulette table, comprising:

- receiving at a player terminals.....: said roulette table respective player selections of a roulette game outcome occurring exclusively at said roulette table and player wagers on said respective player selections of said game outcomes; (Column 13, line 1-Column 16, line 54).
- comparing automatically said random outcome to said respective player selections; (Column 4, lines 62-65); and,
- determining winning ones of said wagers responsive to said comparing step, and crediting winning proceeds directly to said player terminals based on said player wagers. (Column 4, lines 62-65).

Although Franchi discloses providing a surveillance system for gambling and a reliable accounting of the flow of funds in a casino that minimizes (not eliminates) the number of employees required to operate casino games and hence reducing the operating costs for the casino operator, Franchi lacks explicitly disclosing:

Regarding Claim 4:

Art Unit: 3711

- wherein said outcome determining device is configured for at least one of manual spinning and manual dispensing of a roulette ball by a dealer.

Regarding Claim 5:

- determining a random outcome for a table game based upon at least one direct physical interaction of a person with a roulette wheel, said at least one direct physical interaction selected from the group consisting of manually spinning said roulette wheel and manually dispensing a roulette ball.

Casino World (Publication), Novomatic press release (Publication), Novomatic press release (Publication), InterGame magazine article (Publication), Grandes Casino De Espana article (Publication), and Novomatic brochure entitled “Live Game Configuration” (Publication) each teach of a Roulette wheel game wherein players place wagers via player terminals and the roulette game is operated by a live dealer such that the dealer manually spins the roulette wheel and manually dispenses the roulette ball. It would have been obvious at the time of Applicant’s invention to have a live dealer as taught in Casino World (Publication), Novomatic press release (Publication), Novomatic press release (Publication), InterGame magazine article (Publication , Grandes Casino De Espana article (Publication), and Novomatic brochure entitled “Live Game Configuration” (Publication) manually operate the roulette game disclosed in Franchi. One would be motivated to do so because Franchi’s open architecture system is designed to accommodate the differing needs for each casino. In this system, a casino may utilize an live animated dealer to operate the roulette game to attract customers to the game, whereas, the casino may utilize a fully automated system during off peak hours of operation to save on operating costs.

Art Unit: 3711

4. Claims 9-13: rejected under 35 U.S.C. 103(a) as being unpatentable over above cited references and publications. In order to attract potential players it would have been obvious to create variation in gaming device for use in playing popular casino type games. One of ordinary skill in art at the time the invention was made would have suggested creating variations for using to play big wheel and other dice type games for attracting potential players.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-5,7-8 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6659866. Although the conflicting claims are not identical, they are not patentably distinct from each other

Art Unit: 3711

because both claim manually operating a random device while players are positioned at terminals..

Response to Arguments

1. Applicant's arguments with respect to claims 1-5,7-13 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

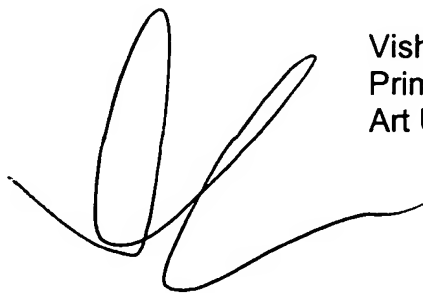
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

Art Unit: 3711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large loop followed by a series of connected strokes that end in a horizontal line.

Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKM
April 18, 2006